

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Camille A. Abboud,

Case No. 19-cv-2826 (PJS/TNL)

Plaintiff,

v.

ORDER

Xcel Energy, Inc., et al.,

Defendants.

Camille A. Abboud, 46 Chandler Drive, St. Johns, FL 32259 (pro se Plaintiff); and

Melissa Raphan, Dorsey and Whitney LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402 and Dayna L. Dowdy, Meghan W. Martinez, and Sarah Nolan, Martinez Law Group, P.C., 720 S. Colorado Blvd., Suite 1020-S, Denver, Colorado, 80246.

This matter is before the Court on Plaintiff's Second Motion for Continuance for Health Reasons. (ECF No. 33). For the reasons set forth below, the Court will grant the motion.

I. BACKGROUND

Plaintiff Camille A. Abboud has filed suit, alleging claims under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Minnesota common law. (ECF No. 1, p. 3). On April 8, 2020, Abboud moved to stay or continue the matter for approximately six months, so that he could receive treatment for significant health issues. (ECF No. 30). Defendants took no position on the motion. (ECF No. 31). The Court ordered the matter stayed until July 16, 2020. (ECF No. 32).

Abboud now seeks a second stay so that he may continue to focus on his medical treatment. (ECF No. 33). He indicates that treatment will last, at a minimum, several more weeks. (ECF No. 33). He further indicates that Defendants informed him that they take no position on this motion as well. (ECF No. 33).

II. ANALYSIS

“The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.” *Cottrell v. Duke*, 737 F.3d 1238 (8th Cir. 2013). “While the Court’s inherent power to manage its docket places this decision within the Court’s broad discretion, ‘the proponent of a stay bears the burden of establishing its need.’” *KK Motors, Inc. v. Brunswick Corp.*, No. 98-cv-2307, 1999 WL 246808 (D. Minn. Feb. 23, 1999). “Because a stay of proceedings has the potential to damage the party opposing it, the decision to stay should weigh the ‘competing interests and maintain an even balance,’ recognizing that the Supreme Court has counseled moderation in use.” *In re Wholesale Grocery Prods. Antitrust Litig.*, No. 09-md-2090, 2013 WL 6533154 (D. Minn. Dec. 13, 2013) (quoting *Landis v. North American Co.*, 299 U.S. 248, 255 (1936)).

For the same reasons as before (ECF No. 32), the Court will extend the stay of the matter. Abboud has again established good cause for a stay. Nor is there anything in the record to establish a stay would cause Defendants prejudice. The Court therefore will extend the stay an additional 90 days. Abboud may again reapply to extend the stay if he believes a further stay is necessary given the status of his treatment.

III. CONCLUSION

Therefore, based upon the record, memoranda, and proceedings herein, **IT IS HEREBY ORDERED** as follows:

1. Plaintiff's Second Motion for Continuance for Health Reasons (ECF No. 33) is **GRANTED AS FOLLOWS:**

- a. The matter is stayed until October 14, 2020.
 - b. The stay shall lift automatically, absent further order from the Court.
2. All prior consistent orders remain in full force and effect.
3. Failure to comply with any provision of this Order or any other prior consistent order shall subject the non-complying party, non-complying counsel and/or the party such counsel represents to any and all appropriate remedies, sanctions and the like, including without limitation: assessment of costs, fines and attorneys' fees and disbursements; waiver of rights to object; exclusion or limitation of witnesses, testimony, exhibits, and other evidence; striking of pleadings; complete or partial dismissal with prejudice; entry of whole or partial default judgment; and/or any other relief that this Court may from time to time deem appropriate.

Date: June 17, 2020

s/ Tony N. Leung
Tony N. Leung
United States Magistrate Judge
District of Minnesota

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